

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 22, 2012

Elisabeth A. Shumaker  
Clerk of Court

ANDRE J. TWITTY, a/k/a A.J. Twitty,  
a/k/a Andre J. Twitty,

Petitioner - Appellant,

v.

D. BERKEBILE, Warden,

Respondent - Appellee.

No. 12-1305  
(D.C. No. 1:12-CV-01635-LTB)

ORDER

On August 8, 2012, this court issued an order directing appellant to comply with the filing restrictions set forth in *Twitty v. Daniels*, 412 F. App'x 110 (10<sup>th</sup> Cir. Jan. 12, 2011) (unpublished). The order advised appellant that his failure to comply within 14 days would subject this appeal to dismissal for lack of prosecution, without further notice.

Although appellant has filed a response to the August 8, 2012 order, his response does not include the information or materials identified in this court's decision restricting his ability to file pro se matters in this court. Accordingly, appellant has failed to comply with this court's order of August 8, 2012.

Therefore, this matter is dismissed for lack of prosecution. *See* 10<sup>th</sup> Cir. R. 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk